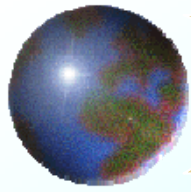


# FEDERAL LABOR RELATIONS AUTHORITY

## Using ADR to Resolve Negotiability Disputes

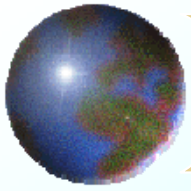
**COLLABORATION & ALTERNATIVE DISPUTE  
RESOLUTION OFFICE (CADRO)**



# ***LABOR-MANAGEMENT CONFLICT***



- **Traditional Negotiations (position-based bargaining)**
- **Litigation (arbitration, unfair labor practice, negotiability, impasse, MSPB, EEO)**
- **Alternative Dispute Resolution (mediation, facilitation, interest-based bargaining, mediation/arbitration)**



# ***LABOR LAW V. LABOR RELATIONS***

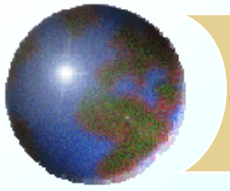


## **➤ Labor Law**

- creates rights, obligations and responsibilities of the parties.**

## **➤ Labor Relations**

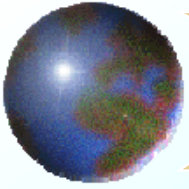
- how the parties deal with each other in an organized union environment.**



# ***WHAT IS CADRO?***



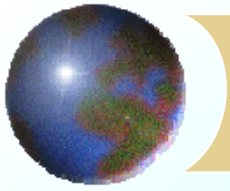
- **Process that provides ADR techniques to traditional labor-management process.**
- **Does not replace traditional labor-management resolution processes**
- **Gives parties OPPORTUNITY AND MEANS to resolve disputes through ADR**
- **Use of a 3<sup>rd</sup> party neutral to help parties resolve THEIR disputes.**



# ***CADRO SERVICES***



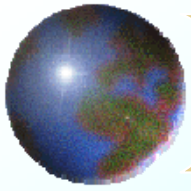
- **Mediate pending negotiability disputes(use a facilitated/interest-based process)**
- **Facilitation Services**
- **Training**



# *INITIAL CONTACT*



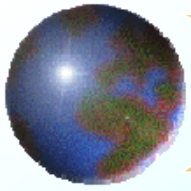
- **Case file received and reviewed by CADRO.**
- **Parties contacted to determine interest in using ADR.**
- **Explain services offered by CADRO and advantages of using them.**
- **CADRO VOLUNTARY, BOTH PARTIES MUST AGREE**



# ***PARTIES DECLINE CADRO***



- **Post-Petition Conference (PPC) held.**
- **CADRO participates in PPC. CADRO services again offered.**
- **Parties agree to CADRO, PPC may still proceed. PPC often clarifies issues in dispute.**
- **Parties do not agree TO CADRO, a Report of Final Action issued indicating parties declined service.**

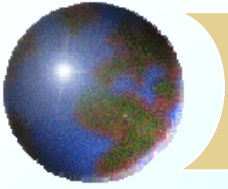


# ***PARTIES AGREE TO CADRO***



- **Case placed in ABEYANCE. Conference call scheduled.**
- **Purpose of conference call set up intervention. Following items discussed:**
- **Overview of ADR process to be used and role of neutral.**
- **CADRO access to and review of case files and materials.**

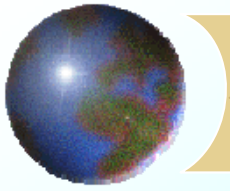




# ***CONFERENCE CALL***



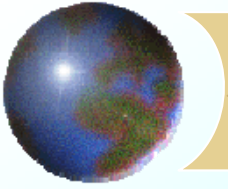
- **Ground rules**
- **Confidentiality**
- **Disputed issue(s). (More than one, prioritize)**
- **Bargaining team composition and size.**
- **Proposed dates, time and location of facilitation.**



# Interest-Based Process



- **Focus on the issue(s).**
  - *Separate people from problem*
- **Identify and explore ALL interests.**
  - *Look to needs of involved stakeholders*
- **Be open to possibilities and opportunities**
  - *Look at options not previously considered*
- **Create mutually acceptable solution through consensus**
  - *Satisfy interests of stakeholders*



# ***INTERESTS V. POSITIONS***

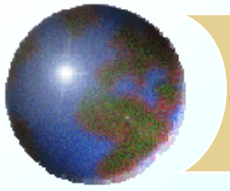


## ➤ **INTEREST**

- **Concern, need, fear want, desire behind the issue. Interests show *WHY* people care about the problem**

## ➤ **POSITION**

- **One party's proposed solution to an issue. A position often expresses what one party wants. The position often is not acceptable to other party.**



# ***INTERESTS V. POSITIONS***

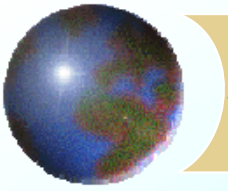


## ➤ **INTEREST STATEMENTS**

- **More flexible, less specific**
- **Is not a particular solution**
- **Articulates a range of needs, concerns**
- **Establishes a climate and a common language for discussion**

## ➤ **POSITION STATEMENTS**

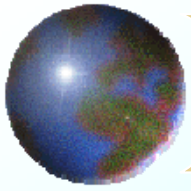
- **Statement definite and specific**
- **Provides for a particular solution (demand)**
- **Often establishes basis for disagreement**



# ***CONSENSUS***



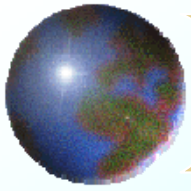
- **Everyone agrees upon single solution**
- **Consensus is a process, not an outcome**
- **Consensus is NOT 100% agreement with first choice. Consensus occurs when all team members:**
  - **Feel they have been heard and understood**
  - **Can support the solution**
  - **Commit to the implementation of the the solution.**



# ***REACHING CONSENSUS***



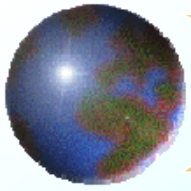
- **Listen, pay attention to others**
- **Participate**
- **Share ALL RELEVANT information**
- **Don't agree too quickly**
- **Treat differences as strengths**
- **Don't trade support**
- **Do not argue blindly for your own views**
- **Avoid "blame game"**
- **Assign responsibility to those who say no**
- **Ensure solution can be supported by EVERYONE**



# ***ROLE OF CADRO NEUTRAL***



- **Keeps parties focused on THEIR task.**
- **Encourages candor and participation.**
- **Allows and works through conflicts.**
- **Works cooperatively with ALL participants.**
- **Suggests procedures/options to help parties but has NO DECISION MAKING AUTHORITY.**

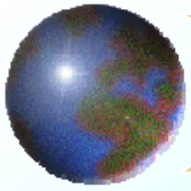


# ***ROLE OF CADRO NEUTRAL***



- **Listens Actively.**
- **Guides interest-based process.**
- **Communicates – verbally & non-verbally.**
- **Treats all members EQUALLY.**
- **Protects members from personal attacks.**



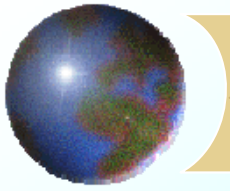


# ***ROLE OF CADRO NEUTRAL***



- **Identifies potential problems and intervenes to correct them.**
- **Provides feedback**
- **Champions the process.**
- **Encourages and pushes parties.**

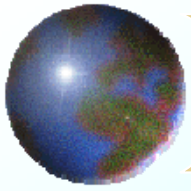
***NEUTRAL  
FRIEND TO ALL, ALLY TO NO ONE***



## ***FINAL STEP***



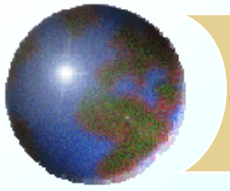
- **FULL AGREEMENT -- Settlement reduced to writing, signed by parties. Union withdraws petition.**
- **PARTIAL AGREEMENT – Union withdraws PFR on agreed upon issues. Remaining disputed issues continue in negotiability process.**
- **NO AGREEMENT – Case taken out of abeyance and continues through negotiability process.**



# ***BARRIERS TO USING CADRO***



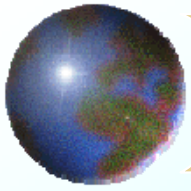
- **Legal Issues**
- **Relationship problems**
- **Lack of understanding of how CADRO works**
- **Unwilling to “use” interest-based process**
- **Lack of trust**
- **Fear**



# ***ADVANTAGES***



- **No cost to Parties**
- **Time. Sessions often scheduled 30-40 days of parties agreeing to use process.**
- **Parties retain control of dispute and have active role in solution.**
- **Merits of dispute are addressed.**
- **Assistance of 3<sup>rd</sup> party neutral.**



***THANK YOU***



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